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FAX TRANSMISSION**DATE:** February 28, 2008**PTO IDENTIFIER:** Application Number 09/760,588-Conf. #4299
Appeal Number 2007-3897**Inventor:** Melton B. Affrime et al.**MESSAGE TO:** US Patent and Trademark Office
(1) USPTO Central Fax No. (Official Copy)
(2) Board of Patent Appeals and Interferences Fax No. (Courtesy Copy)
(3) Examiner Donna Jagoe (Courtesy Copy)**FAX NUMBER:** (1) (571) 273-8300 (2) (571) 273-0299 (3) (571) 273-0576**FROM:** COVINGTON & BURLING LLP
Natalie M. Derzko**PHONE:** (202) 662-5301**Attorney Dkt. #:** 025444.1132-US01**PAGES (Including Cover Sheet):** 6**CONTENTS:** Communication (4 pages)
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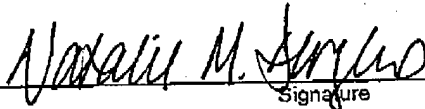
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Application No. (if known): 09/760,588
Appeal No: 2007-3897

Attorney Docket No.: 025444.1132-US01

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Communication (4 pages)

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FEB 28 2008

Docket No.: 025444.1132-US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Melton B. Affrime, *et al.*

Application No.: 09/760,588

Art Unit: 1614

Filed: January 16, 2001

Examiner: D. Jagoe

For: TREATING ALLERGIC AND
INFLAMMATORY CONDITIONS

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with Appellant's ongoing duty of disclosure pursuant to 37 C.F.R. § 1.56, we are providing this Communication to update information set forth in Section II -- "Related Appeals, Interferences, and Judicial Proceedings" of the Amended Appeal Brief, which was filed on November 3, 2006.

On September 29, 2006, Schering Corporation filed a complaint in the United States District Court for the District of New Jersey, alleging infringement of U.S. Patent No. 6,100,274, by the following defendants: Zydus Pharmaceuticals, USA, Inc.; Sandoz, Inc.; Mylan Pharmaceuticals, Inc.; Orgenus Pharma, Inc.; Orchid Chemicals and Pharmaceuticals, Ltd.; L. Perrigo Co.; Perrigo Co.; Glenmark Pharmaceuticals, Inc., USA; Glenmark Pharmaccuticals, Ltd.; GeoPharma, Inc.; Belcher Pharmaceuticals, Inc.; Lupin Pharmaceuticals, Inc.; Lupin, Ltd.; Ranbaxy, Inc.; Ranbaxy Laboratories, Ltd.; Dr.

DC: 2761822-1

Reddy's Laboratories, Inc.; Dr. Reddy's Laboratories, Ltd.; Caraco Pharmaceuticals Laboratories, Ltd.; Sun Pharmaceutical Industries, Ltd.; Watson Pharmaceuticals, Inc.; and Watson Laboratories, Inc. *Schering Corporation v. Zydus Pharmaceuticals, USA, Inc., et al.*, U.S.D.C. D.N.J., Case No. 3:06-cv-04715-MLC-TJB, filed September 29, 2006. In addition, Schering Corporation alleged infringement of U.S. Patent No. 6,979,463 by Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. The District Court has signed Consent Judgments and Orders dismissing the Zydus and Ranbaxy defendants from the case.

On October 5, 2006, Schering Corporation filed a complaint in the United States District Court for the Middle District of Florida, Tampa Division, alleging infringement of U.S. Patent No. 6,100,274 by GeoPharma, Inc., and Belcher Pharmaceuticals, Inc. *Schering Corporation v. GeoPharma, Inc. and Belcher Pharmaceuticals, Inc.*, U.S.D.C. D.Fl., Case No. 8:06-cv-01843-SCB-EAJ, filed October 5, 2006.

On October 5, 2006, Schering Corporation filed a complaint in the United States District Court for the Eastern District of Michigan, alleging infringement of U.S. Patent No. 6,100,274 by Caraco Pharmaceutical Laboratories, Ltd., and Sun Pharmaceutical Industries, Ltd. *Schering Corporation v. Caraco Pharmaceutical Laboratories, Ltd., and Sun Pharmaceutical Industries, Ltd.* U.S.D.C. E.D.Michigan, Case No. 2:06-cv-14385, filed October 5, 2006.

On October 19, 2007, Schering Corporation filed an additional complaint in the United States District Court for the District of New Jersey, alleging infringement of U.S. Patent No. 6,100,274 by Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. *Schering Corporation v. Dr. Reddy's Laboratories, Inc. and Dr. Reddy's*

Laboratories, Inc., U.S.D.C. D.N.J., Case No. 3:07-cv-05038-MLC-TJB, filed October 19, 2007. On October 19, 2007, Schering Corporation also filed a complaint in the United States District Court for the District of New Jersey, alleging infringement of U.S. Patent Nos. 6,100,274 and 6,709,676 by Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.. *Schering Corporation v. Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Inc.*, U.S.D.C. D.N.J., Case No. 3:07-cv-05062-MLC-TJB, filed October 19, 2007.

On November 27, 2007, Schering Corporation filed a complaint in the United States District Court for the District of New Jersey, alleging infringement of U.S. Patent Nos. 6,100,274 and 6,709,676 by Anchen Pharmaceuticals, Inc. *Schering Corporation v. Anchen Pharmaceuticals, Inc.*, U.S.D.C. D.N.J., Case No. 3:07-cv-05649-MLC-TJB, filed November 27, 2007. On November 30, 2007, Schering Corporation filed a complaint in the United States District Court for the Central District of California, alleging infringement of U.S. Patent Nos. 6,100,274 and 6,709,676 by Anchen Pharmaceuticals, Inc. *Schering Corporation v. Anchen Pharmaceuticals, Inc.*, U.S.D.C. C.D.C.A., Case No. 2:07-cv-07840-DSF-JTL, filed November 30, 2007.

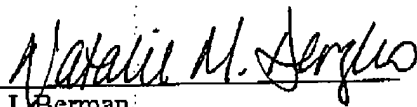
The present application does not claim priority to U.S. Patent Nos. 6,100,274, 6,979,463 or 6,709,676. However, U.S. Patent No. 6,100,274 provided the basis for the rejection in the Final Office Action that was appealed in this application.

Insofar as Applicants are aware, there are no other prior or pending appeals, interferences, or judicial proceedings that may be related to, will directly affect or will be directly affected by or have a bearing on the Board's decision in this appeal.

Dated: February 28, 2008

Respectfully submitted,

By


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